Ben Hartman 1100 Gulf Freeway, Suite 100 League City, TX 77573

MUR # 6691

October 31, 2012

Federal Election Commission Office of General Counsel 999 E. St. NW Washington, DC 20463

# RE: Complaint against Lampson for Congress and the Texas Democratic Party.

**Dear Commissioners:** 

The Lampson for Congress campaign (FEC ID: C00508077) has falsely reported money sent to the Texas Democratic Party (FEC ID: C00099267) in official FEC Filings.

Additionally, the Texas Democratic Party and Lampson for Congress illegally coordinated efforts in the amount of \$152,000 on direct mail falsely attacking Randy Weber.

Documentation of the illegal coordination is attached.

The TDP gave an in-kind contribution to Lampson for Congress in the amount of \$2600 for "Voter File Access" on July 24, 2012.

Then on September 12,2012, Lampson for Congress paid \$55,000 for that same "Voter File Access". This is well above fair market value for mere access to a voter database. Additional transfers reported by Lampson for Congress, outlined below, total \$152,000. The largest transfer, at \$64,000, is reported as a contribution to the Party ("unlimited transfer to a party committee"). Why would a candidate want to give away huge sums of money in the last months before an election?

The answer is revealed in the direct mail advertisements funded by the TDP after receiving these huge sums of money from Lampson. In a press release dated September 26, 2012, Lampson for Congress laid out several false attacks on Randy Weber. The documentation in that release is the same documentation used by the TDP in mailers sent throughout the time period that money transfers were sent by Lampson for Congress to the TDP.

Coordination is established if the Lampson for Congress campaign had any "material involvement" or "substantial discussion" with the TDP regarding these expenditures, if the mail pieces were sent either at the "request or suggestion" of Lampson's campaign, or if the Lampson's campaign assented in any way to the advertisement, even if they was created independently by the TDP. [See 11 CFR §§ 109.37; 109.21(d)]. Given the large, unexplained transfers of money from Lampson's campaign to the TDP, and the subsequent mail pieces by the party using the same false attack lines, the coordination is obvious.

Coordinated activities between a Texas congressional committee and the state party committee are limited to \$45,600. [See 2 USC § 441a(d)(3)(B); 11 CFR § 109.32(b)(2)(ii) (2012)] Coordinated party expenditure limits are available at the FEC's website at <a href="http://www.fec.gov/info/charts-441ad-2012.shtml">http://www.fec.gov/info/charts-441ad-2012.shtml</a>.

All mail sent by the TDP on behalf of Lampson for Congress indicated it was paid for and approved solely by the TDP. Despite clear evidence of coordination, the TDP did not include the required disclaimer indicating these expenditures were coordinated with Lampson for Congress.

This amount of illegally coordinated activity constitutes a serious violation of the Federal Election Campaign Act. The Act permits a state party to coordinate expenditures with its House candidates up to \$45,600, but the TDP's coordinated expenditures for Lampson exceeded this amount by \$106,400. The excess constitutes an illegal contribution to Lampson for Congress punishable by a criminal fine of up to \$25,000 and up to five years in prison. [See 2 USC § 437g(d)(1)]. Because it is a crime to make or accept an illegal contribution, both the TDP and Lampson for Congress have broken the law warranting an investigation.

# Time Line

7/24/12 - In-Kind Contribution by the Texas Democratic Party to Lampson for Congress in the amount of \$2600 for "Voter File Access".

9/12/12 - Transfer from Lampson for Congress to Texas Democratic Party in the amount of \$50,000 for "Voter File Access".

9/12/12 - Transfer from Lampson for Congress to Texas Democratic Party in the amount of \$5,000 for "Voter File Access".

9/13/12 - Texas Democratic Party paid \$18,595.78 to Mack Crounse Group, LLC for mail on behalf of Nicholas Lampson.

9/19/12 - Texas Democratic Party paid \$17,531.49 to Mack Crounse Group, LLC for mail on behalf of Nicholas Lampson.

9/26/12 - Texas Democratic Party paid \$17,754.43 to Mack Crounse Group, LLC for mail on behalf of Nicholas Lampson.

10/01/12 - Texas Democratic Party paid \$18,792.49 to Mack Crounse Group, LLC for mail on behalf of Nicholas Lampson.

10/03/12 - Transfer from Lampson for Congress to Texas Democratic Party in the amount of \$64,000 for "Unlimited Transfer to Party Committee".

10/09/12 - Texas Democratic Party paid \$14,311.38 to Mack Crounse Group, LLC for mail on behalf of Nicholas Lampson.

10/11/12 - Texas Democratic Party paid \$17,971.39 to Mack Crounse Group, LLC for mail on behalf of Nicholas Lampson.

10/12/12 - Transfer from Lampson for Congress to Texas Democratic Party in the amount of \$33,000. for "Direct Mail Services".

10/12/12 - Texas Democratic Party paid \$14,547.23 to Mack Crounse Group, LLC for mail on behalf of Nicholas Lampson.

10/12/12 - Texas Democratic Party paid \$13,428.75 to Mack Crounse Group, LLC for mail on behalf of Nicholas Lampson.

10/17/12 - Texas Democratic Party paid \$19,846.07 to Mack Crounse Group, LLC for mail on behalf of Nicholas Lampson.

10/17/12 - Texas Democratic Party paid \$13,369.53 to Mack Crounse Group, LLC for mail on behalf of Nicholas Lampson.

This letter serves as notice of a formal complaint filed against both The Texas Democratic Party (FEC ID: C00099267) and Lampson for Congress (FEC ID: C00508077).

Sincerely,

Ben Hartman

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Signed and sworn to before me this \_\_\_\_\_ day of November, 2012.

**NOTARY PUBLIC** 

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Corney: GALVERN

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My Commission Expires
August 19, 2016

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# Randy Weber's Latest TV Ad Full of Tall Tales

September 26, 2012

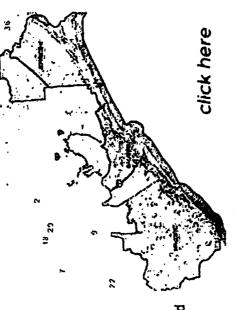
Congressional candidate Randy Weber is out with a new television ad, and unfortunately for voters, it's full of tall tales. In the ad, Weber talks about being a small business owner who paid taxes, but Weber has been slammed with nearly \$3,000 in liens for unpaid unemployment and sales taxes. 'Randy Weber is lying. His commercial says he pays his taxes, but his record shows nearly \$3,000 taxes and play by the rules," said Daniel van Hoogstraten, Lampson for Congress Press Secretary. in tax liens. Weber's claims are an insult to Texas' hardworking families, who actually pay their

his business and serve on the Pearland city council, but as a State Representative, Weber pocketed money taxpayers have spent on him. Not only did Randy Weber land a Pearland city contract for In the ad, Weber also talks about cutting government spending but fails to mention how much taxpayer dollars for living expenses that had already been paid for by his campaign.

"Randy Weber says he wants to cut government spending – except when he's the one benefitting expenses," added van Hoogstraten. "Nick Lampson is the real fiscal conservative in this race. While in Congress, Nick consistently supported pay as you go rules to keep Washington from from taxpayer money, whether it's a city contract for his company or even personal living spending money on things we can't afford."

Between 1996 and 2012, Weber's Air & Heat made over \$20,000 from contracts with the City of Weber also used campaign funds to reimburse his living expenses in Austin while pocketing the Pearland, where he was a sitting councilman from 1990-1996. And as a State Representative, state's \$168 per diem, a practice called "troubling" by the Houston Chronicle.

# **Our District Map:** Congressional District 14



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